

1 AMELIA ANN ALBANO, CITY ATTORNEY
(SBN 103640)
2 CAROL A. HUMISTON, SR. ASST. CITY
ATTORNEY, (SBN 115592)
3 CITY OF BURBANK
275 East Olive Avenue
4 P. O. Box 6459
Burbank, CA 91510
5 Tel: (818) 238-5707 Fax: (818) 238-5724

6 LINDA MILLER SAVITT, SBN 94164
E-mail: LSavitt@brgslaw.com
7 BALLARD ROSENBERG GOLPER & SAVITT, LLP
500 North Brand Boulevard, 20th Floor
8 Glendale, CA 91203
Tel: (818) 508-3700, Fax: (818) 506-4827

9 RONALD F. FRANK (SBN 109076)
E-mail: rfrank@bwslaw.com
10 ROBERT J. TYSON (SBN 187311)
E-mail: rtyson@bwslaw.com
11 BURKE, WILLIAMS & SORENSEN, LLP
444 S. Flower Street, 24th Floor
12 Los Angeles, CA 90071
13 Tel: 213-236-0600 Fax: 213-236-2700

14 Attorneys for Defendant City of Burbank
15

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF LOS ANGELES

18 WILLIAM TAYLOR,
19 Plaintiff,

20 v.

21 CITY OF BURBANK and
DOES 1 through 100, inclusive,
22 Defendants.
23

Case No. BC 422252
Assigned to: Hon John L. Segal, Dept. 50
Action Filed: Sept. 22, 2009

**NOTICE OF INTENTION TO MOVE
FOR NEW TRIAL**

Trial Date: March 5, 2012
Verdict Date: March 19, 2012
Hearing Date: To be set

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26 PLEASE TAKE NOTICE THAT Defendant City of Burbank intends to move the
27 Court to set aside the judgment entered on or about April 12, 2012 on the March 19, 2012
28 jury verdict in this action, and to grant a new trial.

1 This motion will be heard at a time and place to be set by the Court pursuant to
2 Code of Civil Procedure Section 661.


3 This motion will be made on each and all of the following grounds which
4 materially affected the substantial rights of the moving party and prevented a fair trial:
5

- 6 1. Irregularity in the proceedings of the jury, including but not limited to
7 juror misconduct during the voir dire process (CCP Sec. 657(1));
- 8 2. Irregularity in the proceedings caused by plaintiff or plaintiff's counsel
9 (CCP Sec. 657(1));
- 10 3. Improper orders of the Court, including but not limited to orders refusing
11 jury instructions especially CACI 2405 offered by the City, orders
12 granting jury instructions offered by the Plaintiff, and rulings on
13 evidentiary matters including motions in limine (CCP Sec. 657(1));
- 14 4. Abuse of discretion by the Court (CCP Sec. 657(1));
- 15 5. The award of damages was excessive (CCP Sec. 657(5));
- 16 6. The evidence was insufficient to justify the verdict, including but not
17 limited to a dearth of evidence of intent to retaliate by Chief LaChasse or
18 Deputy Chief Angel and the absence of conflict on any material point of
19 their testimony (CCP Sec. 657(6));
- 20 7. The verdict is contrary to law (CCP Sec. 657(6)); and
- 21 8. Error in law occurring at the trial and objected to by the moving party,
22 including but not limited to orders refusing jury instructions especially
23 CACI 2405 offered by the City and orders granting jury instructions
24 offered by the Plaintiff (CCP Sec. 657(7)).
25

26 The Motion for New Trial will be based on this Notice of Intention, the
27 evidence presented at trial and other trial-related proceedings including the
28 prospective jurors' voir dire proceedings, all pleadings, papers and records in this

1 action, the minutes of the Court; the memorandum of points and authorities to be
2 filed, and the Declarations of Ronald F. Frank, Linda Miller Savitt, Carol Ann
3 Humiston, and such other declarations as may be filed in support of the Motion.

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5 BURKE, WILLIAMS & SORESENSEN, LLP
6 Ronald F. Frank
7 Robert J. Tyson

8 By: 
9 Ronald Frank
10 Attorneys for Defendant
11 City of Burbank
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1 **PROOF OF SERVICE**

2 I, Theresa Nevarez, declare:

3 I am a citizen of the United States and employed in Los Angeles County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On April 27, 2012,
I served a copy of the within document(s):

6 **NOTICE OF INTENTION TO MOVE FOR NEW TRIAL**

- 7 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set
8 forth below on this date before 5:00 p.m.
- 9 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
10 fully prepaid, in the United States mail at Los Angeles, California addressed as set
forth below.
- 11 ☐ by placing the document(s) listed above in a sealed _____ envelope and
12 affixing a pre-paid air bill, and causing the envelope to be delivered to a
13 _____ agent for delivery.
- 14 ☐ by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.

15 **SEE ATTACHED SERVICE LIST**

16 I am readily familiar with the firm's practice of collection and processing correspondence
17 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
18 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
19 motion of the party served, service is presumed invalid if postal cancellation date or postage
meter date is more than one day after date of deposit for mailing in affidavit.

20 I declare under penalty of perjury under the laws of the State of California that the above
is true and correct.

21 Executed on April 27, 2012, at Los Angeles, California.

22 _____
23 Theresa Nevarez
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SERVICE LIST
Taylor v. Burbank
LASC, Case No. BC422252

Gregory W. Smith, Esq.
Law Offices of Gregory W. Smith
9100 Wilshire Blvd., Suite 345E
Beverly Hills, CA 90212
Telephone: (310) 777-7894
Facsimile: (310) 777-7895
GrgrySmth@aol.com
sfrancia@gwslegal.com

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, CA 90404
Telephone: (310) 394-6447
Facsimile: (310) 656-7701
samorail@att.net

Linda Miller Savitt, Esq.
Phillip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt, LLP
500 North Brand Boulevard, 20th Floor
Glendale, CA 91203-9946
Facsimile: (818) 506-4827
lsavitt@brgslaw.com

Amelia Ann Albano, City Attorney
Carol A. Humiston, Sr. Asst. City Attorney
275 East Olive Avenue
Post Office Box 6459
Burbank, CA 91510
Telephone: (818) 238-5707
Facsimile: (818) 238-5724
CHumiston@ci.burbank.ca.us